

RETURN: MARCH 2, 2021

JANICE SERVER : SUPERIOR COURT

VS. : J. D. OF NEW HAVEN

TOWN OF WALLINGFORD : JANUARY 19, 2021

COMPLAINT

1. This is an action pursuant to the Connecticut Fair Employment Practices Act, Conn. Gen. Stat. §§ 46a-60(b)(1), *et seq.*

2. The plaintiff has complied with all of the procedural prerequisites to suit under the statutes aforementioned, having filed a timely complaint and amended complaint with the Connecticut Commission on Human Rights and Opportunities and having received a Release of Jurisdiction issued on January 8, 2021.

3. At all pertinent times, the plaintiff employed by the defendant Town of Wallingford, Department of Youth & Social Services, and was so employed for many years. Her duties involved interfacing with educational officials and supporting students in the Wallingford Public Schools in a variety of ways, including the Peer Advocate Program and assisting students in obtaining college placements.

4. The defendant Town of Wallingford is a Connecticut municipality and is an employer within the meaning of the Connecticut Fair Employment Practices

Act.

5. At all pertinent times, the plaintiff was over sixty years of age. She is a cancer survivor and suffers from lung disease of long standing. Her immune system is compromised. All of these facts have been documented by her physicians, in writing, and all such information was in the possession of Town officials.

6. The aforesaid disability affects the plaintiff's ability to sustain her life under the circumstances of the COVID-19 pandemic. The defendant was aware of that fact.

8. Most, and probably all, of the plaintiff's essential duties could be performed effectively from her home and the defendant was aware of that fact.

9. Based on the above facts, the plaintiff requested in writing that she be permitted to work from home.

10. On May 13, 2020, in writing, James R. Hutt, Jr., the defendant's Human Resources Director, denied the plaintiff's request and ordered her to report to her office or forfeit her pay.

11. The plaintiff filed her original Complaint in this matter with the Commission on Human Rights and Opportunities in June of 2020.

12. On the afternoon of September 2, 2020, pursuant to the direct order of Mayor William W. Dickinson, Jr., the plaintiff met with him in the presence of

his assistant. The plaintiff requested the right to have a representative of her union with her at the meeting but Mayor Dickinson refused to permit that and forced the plaintiff's representative to wait outside.

13. The Mayor did not wear a mask and did not ask whether the plaintiff was comfortable with that.

14. The Mayor demanded to know why the plaintiff was coming to work early and leaving early. The plaintiff explained that this had been her schedule for nineteen years and that she worked much longer than the regular hours, because of necessary medical appointments. She further explained that her comp time and daily logs were submitted and maintained for many years and that her supervisor always had signed off on this. Mayor Dickinson responded that the plaintiff would not be allowed to have any comp time henceforth and added that "you can do your job between 9 to 5 pm." He further directed that if the plaintiff ever wished to work longer she must obtain advance permission from him personally. The plaintiff explained that she was scheduled in two weeks to begin teaching a babysitting course from 5:30 to 6:30. He ordered the plaintiff not to do so and directed that such course must be taught after school during regular working hours only. The plaintiff explained that it is necessary to work at times when families and kids are available, but he refused to change his position.

15. Later on September 2, 2020, the Mayor caused a letter to be delivered to the plaintiff, confirming his new order.

16. There is no possible explanation for this change in long-standing practice in the plaintiff's office other than retaliation against her for having filed her complaint with the Commission on Human Rights and Opportunities.

17. As a result of the foregoing, the plaintiff's health and life have been place needlessly in jeopardy and she has been caused to suffer anxiety and emotional distress. As a further result, the plaintiff will be forced to resign from her position and suffer consequential economic losses.

18. The conduct of the defendant described above violated Sections 46a-60(b)(1) and 46a-60(b)(4) of the Connecticut General Statutes.

WHEREFORE, the plaintiff claims judgment against the defendant.

THE PLAINTIFF

BY 

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PRAYER FOR RELIEF

The plaintiff claims judgment in an amount greater than fifteen thousand dollars (\$15,000.00), exclusive of interest and costs, as follows:

A. Compensatory damages in an amount this court shall consider to be just, reasonable and fair;

B. Punitive damages in an amount this court shall consider to be just, reasonable and fair;

C. Attorney fees and the costs of this action;

D. A temporary and permanent injunction requiring the defendant forthwith to reinstate the plaintiff with full back pay and benefits and with the accommodation of her disability described herein;

E. Back pay and front pay;

F. Such other relief as this court shall consider to be fair and equitable.

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